

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 2987 OF 2004
IN
WRIT PETITION NO. 3896 OF 1986

Bambai Mazdoor Union	.. Applicant
V/s.	
Mafatlal Engg. Industries	
Employees Union & Ors.	.. Respondents

Mr. N.M. Ganguli for the Applicant
Mr. Y.M. Pendse i/b. M/s. Reymond & Co. for the
Respondent No. 1.
Ms. S.V. Bharucha i/b. Mr. K.C. Sidhva for the
Respondent Nos. 2 and 3.
Ms. A.B. Athawale, Asstt. Official Liquidator.
Mr. R.K. Roy, Commissioner of Income Tax, Thane.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 22.02.2005

P.C. :-

1. Heard the learned counsel for the Applicant, Respondent No. 1, Respondent Nos. 2 and 3 as well as the Official Liquidator. Mr. R.K. Roy, Commissioner of Income Tax, Thane is present before the Court.

2. We have perused the note tendered by Shri Shekhar S. Jha, Additional Commissioner of Income Tax, Range-1, Thane. It appears that the amount of TDS, which was deducted, has been deposited in this Court and the same has not been deposited with the Income Tax Department. The learned counsel appearing for the Income Tax Authorities states that, within a period of four weeks from the date of the receipt of the amount from this Court, the Income Tax Authorities will process the entire refund applications and pass an order for appropriate

refund of individual workmen and the entire process will

(2)

be completed within a period of four weeks from the date of receipt of the aforesaid amount.

3. It appears that the TDS amount has been deposited in this Court in the year 1986 and the same has been invested in a fixed deposit. Under these circumstances, we permit the Income Tax Department, Thane to withdraw the entire amount from the Office of the Registrar General, High Court, Bombay with the accrued interest and after deducting the actual tax payable, refund the balance amount, including the interest proportionately to each of the workmen by way of proper refund order. This exercise shall be completed within a period of four weeks from the date of withdrawal of the amount from this Court. Civil Application stands disposed of in the above terms.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)